

1 GARCIA RAINEY BLANK & BOWERBANK LLP
A Limited Liability Partnership
2 JEFFREY M. BLANK, Cal. Bar No. 217522
jblank@garciarainey.com
3 NORMA V. GARCIA, Cal. Bar No. 223512
ngarciaguillen@garciarainey.com
4 695 Town Center Drive, Suite 700
Costa Mesa, California 92626-1993
5 Telephone: 714.382.7000
Facsimile: 714.784.0031

6 Attorneys for Plaintiff
7 NOODLE TIME, INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 NOODLE TIME, INC., a Florida
12 corporation,

13 Plaintiff,

14 v.

15 BENIHIBACHI, a California
corporation and BEHIBACHI, a
16 California corporation

17 Defendants.
18

Case No. 2:22-cv-02320-GW-E
Judge: Hon. Magistrate Charles F. Eick
Dept.: 750

DECLARATION OF NORMA V.
GARCIA IN SPPORT OF PLAINTIFF
NOODLE TIME, INC'S REQUEST
FOR ENTRY OF DEFAULT BY THE
CLERK AGAINST DEFENDANT
BENIHIBACHI, A CALIFORNIA
CORPORATION

DECLARATION OF NORMA V. GARCIA

I Norma V. Garcia, declare as follows

1. I am a partner at Garcia Rainey Blank and Bowerbank, LLP counsel of record for Noodle Time, Inc., Plaintiff in the above-entitled matter. I have personal knowledge of the facts stated in this declaration, and if sworn as a witness could and would testify as to these facts.

2. This declaration is submitted in support of Plaintiff's Request for Entry of Default by the Clerk Against Defendant Behibachi.

3. On May 23, 2022, Plaintiff filed its First Amended Complaint against Defendants Benihibachi and Behibachi asserting four (4) causes of action against Defendants related to Defendants' breach of a settlement agreement entered into between Plaintiff and Defendants regarding Defendants unauthorized use of Plaintiff's protected trademarks. (Docket. No. 10.)

4. On June 17, 2022, pursuant to Federal Rules of Civil Procedure Rule 4, Defendant Benihibachi was served by substitute service at its address in Sylmar, California by First Legal, with the Summons, First Amended Complaint, Certification and Notice of Interested Parties, and Civil Cover Sheet. (Docket No. 14)

5. Federal Rules of Civil Procedure Rule 12(a)(1)(A)(i) requires that Defendant answer or move against a complaint within 21 days of service.

6. Defendant Benihibachi's 21-day period to answer or move against the First Amended Complaint expired on July 8, 2022.

7. As of the date of this Declaration, Defendant has not appeared in this action, plead, or otherwise defended against the First Amended Complaint.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct

1 Dated: July 11, 2022

/s/ Norma V. Garcia

Norma V. Garcia

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28